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| PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) | | Docket Number (Optional) 22956-257 |
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| First named inventor: William Geissler | Confirmation No.: 2359 |
| Application No.: 10/708,360 | Art Unit: 3734 |
| Filed: February 26, 2004 | Examiner: Michael G. Mendoza |

Title: METHODS AND DEVICES FOR REPAIRING TRIANGULAR FIBROCARTILAGE COMPLEX TEARS

Attention: Office of Petitions

Mail Stop PETITION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

Small entity – fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

Other than small entity – fee \$ 1,620.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of Response to Corrected Drawings (identify type of reply):

has been filed previously on _____.

is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ \$1740.00 .

has been paid previously on December 7, 2007 .

is enclosed herewith.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

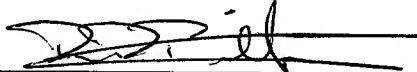
Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.



Signature

October 10, 2008

Date

Rory P. Pheiffer

Typed or printed name

59,659

Registration Number, if applicable

NUTTER MCCLENNEN & FISH LLP

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Address

617-439-2000

Telephone Number

Enclosures:

Fee Payment

Reply

Terminal Disclaimer Form

Additional sheets containing statements establishing unintentional delay

Other: _____

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Petition to Revive Application Unintentionally Abandoned
I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

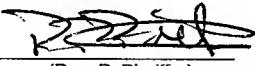
Dated: October 10, 2008

Electronic Signature for Rory P. Pheiffer: /Rory P. Pheiffer/

Petition to Revive Unintentionally Abandoned Application
I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: October 10, 2008

Signature:


(Rony P. Pheiffer)

Docket No.: 022956-0257
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
William B. Geissler et al.

Application No.: 10/708,360

Confirmation No.: 2359

Filed: February 26, 2004

Art Unit: 3734

For: METHODS AND DEVICES FOR REPAIRING
TRIANGULAR FIBROCARTILAGE
COMPLEX TEARS

Examiner: M. G. Mendoza

STATEMENTS RELATED TO PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper includes statements in support of Applicants' Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b).

A Notice of Allowance and Issue Fee Due was mailed on October 1, 2007. In the Notice of Allowance and Issue Fee, the Examiner indicated that new corrected drawings in compliance with 37 CFR 1.121(d) were required. In particular, the Examiner stated that "the drawings are hand drawn, the reference numbers are hand written, and the drawing/copies are dark/shaded." While originally filed drawings did include portions of drawings that were hand drawn, reference numbers that were hand written, and portions of drawings that were dark/shaded, on July 10, 2006 Applicants filed replacement formal drawings that did not include any of the deficiencies mentioned by the Examiner in the Notice of Allowance and Issue Fee Due. An Acknowledgement Receipt was received from the U.S. Patent and Trademark Office confirming that the July 10, 2006 submission was successfully received. Applicants note that the replacement drawings and the

Acknowledgement Receipt appear in the “Image File Wrapper,” but do **not** appear in the “Transaction History” on the U.S. Patent and Trademark Office’s Patent Application Information Retrieval (PAIR) system.

Applicants paid the Issue Fee on December 7, 2007 without resubmitting the formal drawings it previously filed on July 10, 2006 because Applicants believed that the formal drawings that were of record did comply with the objections made by the Examiner in the Notice of Allowance and Issue Fee Due on October 1, 2007. In particular, the formal drawings filed on July 10, 2006 were not hand drawn, did not include reference numbers that were hand written, and did not include drawing/copies that were dark/shaded. At that time, Applicants were unaware of any informalities with the formal drawings filed on July 10, 2006 and believed the application to be in a condition for issuance.

On January 29, 2008, Applicants received a Notice of Abandonment for “failure to timely file correct drawings.” Because Applicants believed that the formal drawings filed on July 10, 2006 addressed each of the deficiencies referenced by the Examiner in the Notice of Allowance and Issue Fee Due, Applicants filed a Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b) on February 25, 2008. The Office of Petitions treated this filing as a Petition under 37 CFR 1.181 requesting withdrawal of the holding of abandonment and dismissed the Petition on October 2, 2008.

While the formal drawings filed on July 10, 2006 did comply with each of the changes requested by the Examiner in the Notice of Allowance and Issue Fee Due, Applicants recently learned that the formal drawings filed on July 10, 2006 included further deficiencies not mentioned in any document sent by the U.S. Patent and Trademark Office to Applicants. In particular, it is Applicants understanding that corrected formal drawings are needed that include: a missing reference character in FIG. 1A, the abbreviation “FIG.” preceding each view number, and appropriate numbering of each sheet of drawings.

Accordingly, in conjunction with the filing of the Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b) filed herewith, Applicants submit

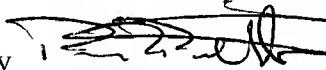
substitute drawing sheets for each of the drawing sheets previously submitted. Reference character 10 is now included in FIG. 1A, each of the view numbers is now preceded by the abbreviation "FIG.," and each sheet of drawings is appropriately numbered. No further amendments are made, no new subject matter is added, and no subject matter is deleted.

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. It is submitted, therefore, that on the basis described above the abandonment should be held to be unintentional, the enclosed Corrected Drawings should be entered, and the application should issue.

Applicants submit herewith the appropriate fee for the Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b). The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm), including any additional fees owed as a result of an increase in fees, to our Deposit Account No. 141449, under Order No. 022956-0257.

Dated: October 10, 2008

Respectfully submitted,

By 

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